

RESOLUTION NO. R-2009- 0504

RESOLUTION APPROVING ZONING APPLICATION ZV/PDD/DOAW/R/2008-1369  
(Control No. 1997-00034)  
DEVIATIONS FROM THE REQUIREMENTS OF THE ARCHITECTURAL DESIGN  
STANDARDS WITHIN ARTICLE 5.C OF THE ULDC APPLICATION OF  
Moroso Investment Partners LLC  
BY Gentile, Holloway, O'Mahoney & Assoc., AGENT  
(Moroso Circle Track)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Procedures) of the Palm Beach county Unified Land Development Code (Ordinance 2003-067, as amended) is authorized and empowered to consider, approve, approve with conditions or deny a request for deviations from the requirements of the Architectural Design Standards; and

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), have been satisfied; and

WHEREAS, Zoning Application ZV/PDD/DOAW/R/2008-1369 was presented to the Board of County Commissioners at a public hearing conducted on March 30, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners has considered the findings in the staff report and the following findings of fact:

1. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure complies with the intent of Article 5.C. of the ULDC.
2. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will be consistent with the purposes, goals and objectives, and policies of the Plan, including standards for building and structural intensities and densities.
3. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure complies with all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function and general development characteristics.
4. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will be generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This request for Deviations from the requirements of the Architectural Design Standards for a non-residential structure will minimize environmental impacts, including by not limited to water, air, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

6. The petitioner has demonstrated that there are circumstances that warrant deviations from Architectural Design Standards.

WHEREAS, Article 2.A.1.K.3.b (Action by Board of County Commissioners) of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application ZV/PDD/DOAW/R-2008-1369, the application of Moroso Investment Partners LLC, by Gentile, Holloway, O'Mahoney & Associates, agent, for deviations from the requirements of the Architectural Design Standards for a non-residential structure in the Multiple Use Planned Development (MUPD) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on March 30, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Vana moved for the approval of the Resolution.

The motion was seconded by Commissioner Marcus and, upon being put to a vote, the vote was as follows:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Abstained
Commissioner Addie L. Greene	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on March 30, 2009.

Filed with the Clerk of the Board of County Commissioners on 2nd day of April, 2009.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA BY ITS BOARD OF COUNTY COMMISSIONERS

BY:   
COUNTY ATTORNEY

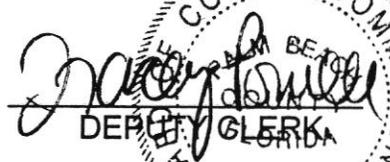
SHARON BOCK, CLERK & COMPTROLLER  
BY:   
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

PARCEL I

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 710 (FOR CONVENIENCE THE EAST LINE OF SAID SECTION 14 IS ASSUMED TO BEAR NORTH 0° 15' 49" EAST, AND ALL OTHER BEARING SHOWN HEREIN ARE RELATIVE THERETO); THENCE NORTH 53° 17' 12" WEST ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710 A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE NORTH 0° 15' 49" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 527.15 FEET TO ITS INTERSECTION WITH A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SECTION 11 OF SAID TOWNSHIP AND RANGE; THENCE NORTH 0° 13' 19" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF A 828.36 FEET TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 710; THENCE NORTH 53° 17' 12" WEST ALONG SAID PARALLEL LINE A DISTANCE OF 1340.71 FEET; THENCE NORTH 53° 55' 33" EAST ALONG THE EXTENSION OF A LINE RADIAL TO A CURVE TO BE DESCRIBED, A DISTANCE OF 310.58 FEET TO A POINT IN THE ARC OF A CURVE CONCAVE TO THE NORTHEAST AND HAVING A RADIUS IS 65 FEET; THENCE NORTH WESTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE AND THROUGH AN ANGLE OF 54° 20' 02" A DISTANCE OF 74.12 FEET TO THE END OF SAID CURVE AND TO A POINT IN THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF SAID SECTION 11; THENCE NORTH 0° 15' 35" EAST ALONG SAID WEST LINE AND TANGENT TO SAID CURVE, A DISTANCE OF 3357.38 FEET TO A POINT IN THE NORTH LINE OF SAID SECTION 11; THENCE SOUTH 89° 37' 49" EAST ALONG THE NORTH LINE OF SAID SECTION 11, A DISTANCE OF 1321.47 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 0° 13' 19" WEST, ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 5284.86 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 0° 15' 49" WEST ALONG THE EAST LINE OF SAID SECTION 14, A DISTANCE OF A 822.74 FEET TO THE POINT OF BEGINNING. LESS & EXCEPT THOSE CERTAIN PARCELS OF LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 854, PAGE 792, AS MODIFIED BY THAT CERTAIN RESOLUTION RECORDED IN OFFICIAL RECORDS BOOK 1093, PAGE 541.

SAID PARCEL CONTAINING 132.65 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL II

BEING A PARCEL OF LAND LYING OVER LOTS 9-16, AS SHOWN ON THE UNRECORDED PLAT OF "PALM BEACH INDUSTRIAL PARK", AS PREPARED BY BROCKWAY, WEBER & BROCKWAY INC., DATED JUNE 1962, LYING IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 11; PROCEED SOUTH 00°04'54" EAST, ALONG THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, A DISTANCE OF 2831.20 FEET; THENCE NORTH 89°55'06" EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE

POINT OF BEGINNING, BEING THE NORTHWEST CORNER OF LOT 16, OF SAID UNRECORDED PLAT, AND A POINT ON A LINE 1090.00 FEET NORTH OF, AND PARALLEL WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF BEELINE HIGHWAY (STATE ROAD NO. 710) (A 200 FOOT WIDE RIGHT-OF-WAY) (PER ROAD PLAT BOOK 2, PAGES 149-153 & DEED BOOK 1051, PAGE 407) PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, THENCE SOUTH 53°39'25" EAST, ALONG SAID PARALLEL LINE AND ALONG THE NORTH LINE OF LOTS 9-16, OF SAID UNRECORDED PLAT, A DISTANCE OF 2004.33 FEET TO THE NORTHEAST CORNER OF SAID LOT 9; THENCE SOUTH 36°20'35" WEST, DEPARTING SAID PARALLEL LINE, AND SAID NORTH LINE AND ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 1090.00 FEET TO A POINT ON SAID NORTHEASTERLY RIGHT-OF-WAY LINE AND THE SOUTHEAST CORNER OF SAID LOT 9; THENCE NORTH 53°39'25" WEST, DEPARTING SAID EAST LINE, AND ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1187.37 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY, DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 53°34'31", AN ARC DISTANCE OF 23.38 FEET TO THE POINT OF TANGENCY, BEING A POINT ON A LINE 40.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE EAST HALF OF SAID SECTION 11, THENCE NORTH 00°04'54" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1342.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL ALSO KNOWN AS THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORD BOOK 11394, PAGE 1578, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID PARCEL CONTAINING 40.09 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL III

A TRACT OF LAND IN SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149-153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 1249.70 FEET TO A POINT OF BEGINNING OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 1090 FEET; THENCE SOUTHEASTERLY AT RIGHT ANGLES, A DISTANCE OF 200 FEET; THENCE SOUTHWESTERLY, AT RIGHT ANGLES, A DISTANCE OF 1090 FEET TO A POINT IN SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 710; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

SAID PARCELS CONTAINING 5.01 ACRES

TOGETHER WITH:

PARCEL "A"

A TRACT OF LAND IN SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710 AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP IN ROAD PLAT BOOK 2, PAGES 149

TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE CONTINUE NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, AND WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTHEAST THROUGH EAST TO NORTH) OF 126 DEGREES 26'59" A DISTANCE OF 200 FEET; THENCE SOUTHEASTERLY AND PARALLEL TO SAID RIGHT OF WAY LINE, A DISTANCE OF 200 FEET; THENCE SOUTHERLY AND PARALLEL TO SAID EAST LINE OF SECTION 14, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.74 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL "B"

A TRACT OF LAND IN SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE POINT OF INTERSECTION OF THE EAST LINE OF SAID SECTION 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD NUMBER 710, AS SAID RIGHT OF WAY LINE IS SHOWN ON MAP RECORDED IN ROAD PLAT BOOK 2, PAGES 149 TO 153, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 497.28 FEET TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 14; THENCE RUN NORTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200 FEET TO THE POINT OF BEGINNING AND THE SOUTHEAST CORNER OF THE TRACT OF LAND HEREINAFTER DESCRIBED; THENCE NORTHWESTERLY ALONG A LINE PARALLEL TO THE SAID NORTHEASTERLY RIGHT OF WAY LINE, WHICH MAKES AN ANGLE WITH THE PRECEDING COURSE (MEASURED FROM SOUTH THROUGH WEST TO NORTHWEST) OF 126 DEGREES 26'59", A DISTANCE OF 200 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE EAST LINE OF SAID SECTION 14, A DISTANCE OF 208.27 FEET; TO A POINT IN A LINE PARALLEL TO AND 560.88 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE EAST LINE OF SAID SECTION 11, THENCE NORTHERLY ALONG SAID PARALLEL LINE A DISTANCE OF 947.34 FEET, TO A POINT IN A LINE PARALLEL TO AND 1090 FEET NORTHEASTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID NORTHEASTERLY RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 200.11 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 828.39 FEET, TO A POINT IN A LINE PARALLEL TO AND 400 FEET WESTERLY FROM (MEASURED AT RIGHT ANGLES TO) THE SAID EAST LINE OF SECTION 14; ;THENCE SOUTHERLY ALONG SAID PARALLEL LINE, A DISTANCE OF 327.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.27 ACRES, MORE OR LESS.

TOGETHER WITH:

PARCEL "C"

PORTIONS OF LOTS 2, 3, 4 AND 5 OF THE UNRECORDED PLAT OF PALM BEACH COUNTY INDUSTRIAL PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PORTIONS OF SECTIONS 11 AND 14, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

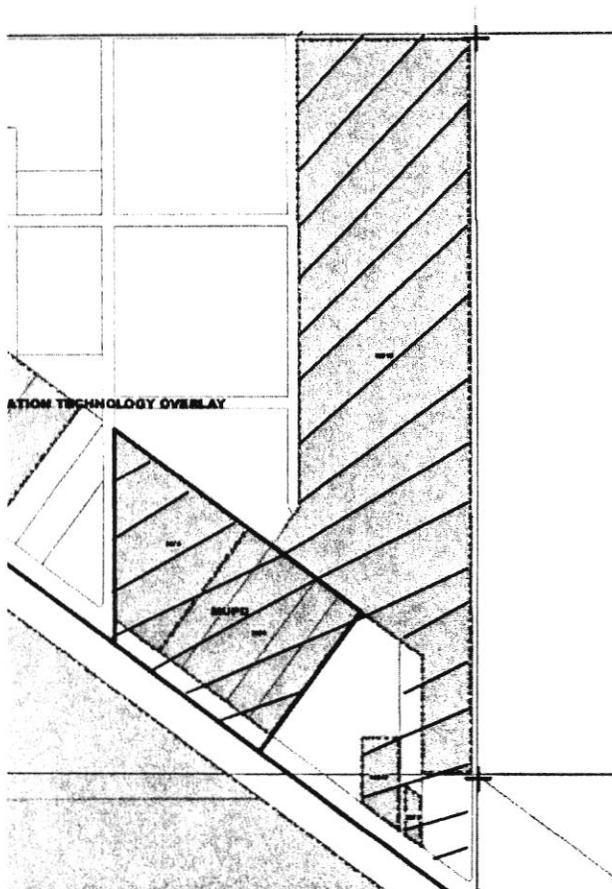
FROM THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11, WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710, AS RECORDED IN ROAD PLAT BOOK 2, PAGES 149 THROUGH 153, INCLUSIVE, PALM BEACH COUNTY, FLORIDA, PUBLIC RECORDS; PROCEED SOUTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 2255.21 FEET TO THE POINT OF BEGINNING; THENCE NORTHEASTERLY AT AN ANGLE OF 53°31'16" MEASURED FROM NORTHWESTERLY TO NORTHERLY, A DISTANCE OF 471.68 FEET; THENCE EASTERLY, AT RIGHT ANGLES TO THE PRECEDING COURSE, A DISTANCE OF 274.36 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 11; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, AT AN ANGLE OF 90°00'45" MEASURED FROM WESTERLY TO SOUTHERLY, A DISTANCE OF 266.01 FEET TO A LINE PARALLEL TO AND 560.88 FEET WESTERLY OF, AS MEASURED AT RIGHT ANGLES, TO THE EAST LINE OF SAID SECTION 14; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, AT AN ANGLE OF 179°57'30" MEASURED FROM NORTHERLY THROUGH WESTERLY TO SOUTHERLY, A DISTANCE OF 408.41 FEET TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 710; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, AT AN ANGLE TO THE PRECEDING COURSE OF 53°33'01" MEASURED FROM NORTHERLY TO NORTHWESTERLY, A DISTANCE OF 341.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.61 ACRES, MORE OR LESS.

CONTAINING IN ALL, 186.36 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2008-1369  
Zoning Quad 86

  
NORTH

## EXHIBIT C

### CONDITIONS OF APPROVAL

#### ARCHITECTURAL REVIEW

1. (Restated from DOA) Development of the site and buildings shall be consistent with the approved architectural elevations prepared by West Architecture plus Design, LLC and dated 8/20/2008, 10/17/2008 and 1/16/2009 , the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. Minor modifications shall be consistent with Article 5.C.1.E.4. (DRO: ARCH REVIEW - Zoning)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the conditions of approval for the subject property at any time may result in:

a. The issuance of a stop work order; the issuance of a cease and desist order; the denial or revocation of a building permit; the denial or revocation of a Certificate of Occupancy; the denial of any other permit, license or approval to any developer, owner, lessee, or user of the subject property; the revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; revocation of any concurrency; and/or

b. The revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the ULDC at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing conditions; and/or

d. Referral to code enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)